



MEMORANDUM

TO: Mayor and Members of City Council

FROM: Richard Hicks, Interim City Manager
Kellen Long, Community Development Director

DATE: June 27, 2022

RE: Consideration- CASE NO: RZ 01-22 filed by Ward and Smith, P.A. as representative of Two Farms, Inc. to rezone Parcel ID: 7993 890743 from R-6, residential to General Business (GB) and Parcel ID: 7993 972938 from R-15, residential to General Business (GB).

BACKGROUND:

The following request is a request for approval of a rezoning filed by Ward and Smith, P.A. as representative of Two Farms, Inc. to rezone Parcel ID: 7993 890743 (37.06 acres) from R-6, residential to General Business (GB) and Parcel ID: 7993 972938 (57.40 acres) from R-15, residential to General Business (GB), for a total of 94.46 acres. Both properties are located north of Halstead Boulevard Extension and east of Mt. Everest Drive North.

The 37-acre tract, Parcel ID 7993 890743, is located north of Halstead Boulevard Extension abutting a property owned by the City of Elizabeth City that houses two communication towers, east by existing farmland, south by a 57-acre tract that is currently outside the City's municipal limits and has a County zoning of Commercial, and west by a large stormwater pond. This parcel is located in the City's municipal limits and is currently zoned R-6, residential. The applicant is requesting to rezone this parcel to General Business (GB).

The 57-acre tract, Parcel ID 7993 972938, is located on the north side of Halstead Boulevard Extension and on the east side of Mount Everest Drive North. This parcel is abutting commercial development and farmland to the west of the site, farmland to the east of the site, farmland to the north of the site, and Halstead Boulevard Extension and commercial development to the south of the site. This parcel is currently located outside the City's municipal limits and is currently considered the

County's jurisdiction, with a county commercial zoning. The applicant is requesting that this parcel be annexed into the City's limits before the official rezoning will take place. Once the parcel is annexed, it will automatically be zoned R-15, residential. The applicant is requesting that this parcel be rezoned to General Business (GB).

ANALYSIS:

The Joint Elizabeth City and Pasquotank County Land Use Plan (LUP) classifies the 37-acre tract parcel (Parcel ID: 7993 890743) as having two different future land uses, general commercial and medium/high density residential. The General Commercial classification is intended to delineate lands that can accommodate a wide range of retail, wholesale, office, business services, and personal services. Areas classified as General Commercial may also include some multi-family uses, heavy commercial uses, light manufacturing and warehousing uses as well as intensive public and institutional land uses.

General Commercial classified areas are anticipated to accommodate some of the most intensive land uses found in the City's planning jurisdiction. The City's goals and policies support the use of land in General Commercial classified areas for a wide variety of retail and commercial services uses where adequate public utilities and streets are available or can be upgraded to support the intensity of development encouraged in this classification. Public and institutional land uses that support and that are compatible with this type of commercial development are also encouraged.

The medium/high density residential classification is intended to delineate lands where the predominant land use is higher density single family residential developments and/or multifamily developments.

The rezoning of the property to General Business (GB) would support the proposed future land uses as indicated in the CAMA land use plan.

The Joint Elizabeth City and Pasquotank County Land Use Plan (LUP) classifies the 57-acre tract parcel (Parcel ID 7993 972938) as having three different future land uses, general commercial, medium/high density residential, and mixed use.

The Mixed Use classification is intended to delineate lands, in areas where there is no established urban land use pattern, that can accommodate traditional residential, general commercial, and support institutional land uses or a mixture of these land uses in a single development. The residential density within this classification ranges from low (one dwelling per acre) to high density (8 to 12 dwellings per acre). Residential building types encouraged within this classification include single-family detached and attached dwellings, duplexes, and multifamily dwellings. Commercial uses include a variety of retail, wholesale, office, business services, and personal services.

The rezoning of the property to General Business (GB) would support the proposed future land uses as indicated in the CAMA land use plan.

While the Future Land Use Map (FLUM) depicts the general location of projected patterns of future land uses, the LUP states that the ultimate use and development of a particular parcel of land will be determined by the property owner's desires, overall market conditions, implementation tools employed by the City to regulate land use and development, and the availability of necessary infrastructure (water, sewer, roads, etc.) to support development. Ultimately, there are many relevant factors in addition to the FLUM that come into play to determine if a projected use is appropriate.

PLANNING COMMISSION RECOMMENDATION:

Before the Planning Commission meeting on May 3rd, all property owners within 100 feet of the subject properties (excluding public right of ways) were notified of the case and planning commission meeting date, along with two separate sign postings on the subject property and a legal ad and advertisement through the City's channel 11 and the Daily Advance. No comments or inquiries were received from the public before or during the planning commission meeting on May 3rd.

During the Planning Commission meeting on May 3rd, the Planning Commission voted unanimously to recommend approval of the requested rezoning of a total of 94.46 acres. The most northern site (Parcel ID: 7993 890743) from R-6, residential to General Business (GB) and the southern site (Parcel ID: 7993 972938) from R-15, residential once it has been annexed into the City's limits, to General Business (GB), stating that the proposed rezoning request for all 94.46 acres is found to be consistent with the area's zoning pattern and existing land uses of adjacent properties, and well as the Future Land Use Map.

Before the public hearing, all adjacent property owners were sent letters alerting them of the public hearing. The public hearing legal notice was also posted in the Daily Advance and signs were posted to the subject properties.

STAFF RECOMMENDATION:

By motion, staff recommends **Approval** of the request as presented including the adoption of the following consistency statements and the adoption of the attached ordinance.

Consistency Statements:

"The City Council of the City of Elizabeth City approves the rezoning request of Parcel ID: 7993 890743 from R-6, Residential to General Business (GB) for the 37.06 acres located north of Halstead Blvd Extension and finds the request to be consistent with the Elizabeth City-Pasquotank County CAMA Future Land Use Plan and area's zoning pattern."

"The City Council of the City of Elizabeth City approves the rezoning request of Parcel ID: 7993 972938 from R-15, residential to General Business (GB) for the 57.40 acres located north of Halstead Blvd Extension and finds the request to be consistent with the Elizabeth City-Pasquotank County CAMA Future Land Use Plan and area's zoning pattern."



Ordinance
Rezoning Request RZ-01-22
Parcel IDs 7993 890743 and 7993 972938

WHEREAS, on May 3, 2022, the Planning Commission reviewed Petition RZ 01-22 filed by Ward and Smith, P.A. as representative of Two Farms, Inc. to rezone Parcel ID: 7993 890743 from R-6, residential to General Business (GB) and Parcel ID: 7993 972938 from R-15, residential to General Business (GB).

WHEREAS, the Planning Commission considered public comment given at that meeting; and

WHEREAS, the City Council of the City of Elizabeth City called for a public hearing to be held on June 13, 2022 at 7 pm in Council Chambers;

WHEREAS, said public hearing was rescheduled to be held on June 27, 2022 at 7 pm in Council Chambers.

WHEREAS, the allowed uses in the General Business (GB) zoning district will be compatible with the areas general commercial future land use; and

WHEREAS, the proposed zoning will be consistent with the areas commercial zoning patterns; and

WHEREAS, the Joint Pasquotank County/Elizabeth City Land Use Plan was considered; and,

WHEREAS, after consideration of the technical merits of the request, the Planning Commission recommends approval; and,

NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above referenced parcels as General Business (GB).

ADOPTED, this the 27th day of June, 2022.

Edward Kirk Rivers
Mayor

Doris Walton
Deputy City Clerk